REMARKS

The Office Action mailed on May 28, 2004, has been carefully reviewed and the foregoing amendments and following remarks are offered in response thereto. Applicants respectfully request favorable reconsideration of this application, as amended.

Claims 15–35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turek (USP 6,460,070) in view of Devarakonda (USP 6,055,562). Without acceding to the rejections under 35 U.S.C. § 103(a), Claim 23 has been canceled and Claims 15, 16, 22, 26 and 27 have been amended to correct various informalities and to clarify certain features of the claimed invention. Thus, Claims 15–22 and 24–35 are pending.

Claim 15 is directed to a method for deploying a distributed monitoring of a computer system, and recites, *inter alia*, determining a plurality of indicators to be deployed, specifying the domain or domains of the computer system in which each indicator should be deployed, creating a configuration agent for each of the resources to be monitored, creating an indicator agent to evaluate each of the plurality of indicators and deploying the plurality of indicators. Turek, directed to a method for diagnosing a fault in a distributed computer network, fails to teach or suggest these features.

Turek discloses a system in which software agent 37 is selected and deployed from a central location (e.g., manager 14, gateways 16) to a particular network node (e.g., endpoint machines 18) in response to a reported fault. Software agent 37 attempts to identify the fault, and, if unsuccessful, searches the network for the fault. *See*, e.g., Abstract; Col. 2, lines 27–62; Col. 3, line 47 to Col. 4, line 28; FIG. 4; etc. Turek fails to disclose creating a configuration agent for each of the resources to be monitored, as recited by Claim 15. Furthermore, Turek is entirely silent on whether a plurality of indicators may be determined and deployed within specified domains, as recited by Claim 15. Moreover, Turek fails to teach or suggest creating an indicator agent to evaluate each of the plurality of indicators, as recited by Claim 15. Rather, in contrast to the Applicants' invention, Turek discloses that a centralized manager 14 receives a fault indication and then dispatches software agent 14 to identify the fault. Devarakonda, directed to a method of dynamically routing mobile agents, fails to provide the subject matter missing from Turek.

Claim 26 is directed to a device for deploying a distributed monitoring of a computer system and recites, *inter alia*, a plurality of indicators characterizing the status or the operation of one or more resources of the computer system, and configuration means that specifies the domain or domains of the computer system in which each indicator is

deployed, the configuration means comprising a configuration deployment agent that creates, for each resource to be monitored, a configuration agent, wherein each configuration agent creates a plurality of indicator agents for the resource and each indicator agent evaluates one of the plurality of indicators. As discussed above with reference to Claim 15, Turek and Devarakonda, taken either singly or in combination, fail to teach or suggest these features.

Claims 15 and 26 thus clearly distinguish patentably from Turek and Devarakonda. Moreover, none of the remaining references, taken either singly or in combination, teaches or suggests the aforementioned features of Claims 15 and 26.

In view of the amendments presented herein, and the reasons explained in the preceding remarks, Applicants submit that this application is in condition for allowance and should now be passed to issue.

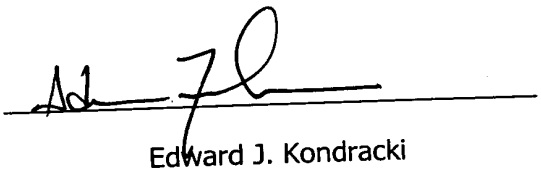
A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 50-1165.

Respectfully submitted,

Miles & Stockbridge P.C.

By: 

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